

## MAURER.LISA

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From: Trish\_Conners@oag.state.fl.us  
Sent: Tuesday, October 16, 2001 12:38 PM  
To: MAURER.LISA  
Subject: Re: Interim Report / End Stage Renal Disease



Internet HTML

Lisa, here is the quick answer to your question. Once an investigation is completed, if there is cause for concern, then, of course, we will take legal action, usually by filing a formal complaint in state or federal court. Once the complaint is filed, which is public, a defendant has the prerogative under the Rules of Civil Procedure to seek a protective order to protect documents already produced or about to be produced in discovery. If the court agrees, then documents designated by the Defendant as confidential usually remain so unless produced in a public court filing or in court during trial or hearing. Likewise, documents produced pursuant to our pre-complaint investigative subpoenae, called civil investigative demands, remain confidential under our statute unless produced in the public court file or during trial. So, the bottom line answer to your question is that it depends on what orders are in place and whether the documents are filed on the public docket with the court or produced at trial or in a public hearing. I hope this helps.

"MAURER.LISA" <LisaM@leg.state.fl.us> on 10/10/2001 04:37:32 PM

To: Trish Conners/OAG@OAG  
cc: "COLLINS.LUCRETIA" <COLLINS.LUCRETIA@leg.state.fl.us>,  
"FARKAS.FRANK" <FARKAS.FRANK@leg.state.fl.us>  
Subject: Interim Report / End Stage Renal Disease

Trish:

Several weeks ago you and Carlos McDonald meet with Lucretia Shaw Collins, Staff Director of the Committee on Health Regulations, and myself to discuss the issue of possible Medicaid fraud within the Kidney Dialysis Industry, and the procedures the Office of the Attorney General uses when there is a concern for monopoly within the healthcare industry.

Representative Farkas is requesting a formal response from the AG's office which shall indicate the actual procedure and the nature of the confidentiality of any such investigation. If an investigation is completed and there is cause for concern, therefore legal action is taken, at that time is the information public?

Thank-you for your immediate response.

Lisa Rawlins Maurer  
Legislative Analyst  
Committee on Health Regulation